

### **REMARKS**

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

#### **Status of the Claims under 37 CFR 1.173(c)**

Claims 5, 6, 7, 10, 44, and 49 were once amended in the Preliminary Amendment dated October 31, 2001. Claim 5 was amended to correct a typographical error. Claims 6, 7, 10, and 49 were amended to account for changes in dependencies resulting from cancelled claims. Claim 44 was amended to avoid a redundancy in reciting the feature of cancelled claim 43, now recited in independent claim 38, from which claim 44 depends.

Claims 1, 26, and 38 were twice amended in the Preliminary Amendment dated October 31, 2001 and the Amendment in Response to Non-Final Office Action dated May 20, 2008. Claim 1 was amended to incorporate the features of now-cancelled claim 2, and correct a typographic error. Claim 26 was amended to correct a typographic error. Claim 38 was amended to incorporate the features of now-cancelled claim 43, and to correct the typographic error described below.

Claims 52-95 were new in the Preliminary Amendment dated October 31, 2001. Claim 52 depends from claim 1, and further narrows the configuration of the removable portion and the remainder portion, limiting the former to the entire top edge and the latter to the entire bottom edge. Support for the claim is present, for example, in originally issued claim 1 and Figures 2A, 2B, and 2C. Claims 53-95 are combinations of the originally issued independent claims amended to incorporate some features of the originally issued dependent claims

Claims 2, 43, and 48 were cancelled without prejudice or disclaimer of the subject matter recited therein.

No claim amendments that were not previously introduced are being introduced by way of this paper.

No new matter has been added.

Claims 1, 3-42, 44-47, and 49-95 are now pending.

**Rejections under 35 U.S.C. §251**

Claims 1, 3-42, 44-47, and 49-95 were rejected under 35 U.S.C. §251 for having a defective reissue declaration. Specifically, the Examiner asserts that Applicants' Reissue Declaration filed on March 10, 2005 ("the Declaration") contained an insufficient statement identifying at least one error. Specifically, the Examiner indicates that the statement identifying at least one error is not sufficient since it references another patent application.

It is respectfully submitted that reference to another patent application does not render a statement identifying at least one error insufficient. However, in the interests of furthering prosecution, Applicants hereby submit executed copies of the USPTO's standard Reissue Application Declaration by the Inventor (PTO/SB/51) with a statement identifying at least one error that does not reference another patent application. The executed declarations include the following statement identifying at least one error:

At least one error upon which the reissue is based is that we inadvertently claimed more than we had a right to claim with respect to independent claims 1 and 38. In independent claim 1, we claimed a removably replaceable label that is wholly or partly inoperative or invalid in view of the prior art because it fails to claim that an elongated sheet of the label has a score extending a predetermined distance from one of a first or second end of the sheet toward the other end. In independent claim 38, we claim a medical container that is wholly or partly inoperative or invalid in view of the prior art because it fails to provide that an elongated sheet of a removable replaceable readherable label of the container includes a tab portion that extends from a first end of the sheet to form a new first end of the sheet.

It is respectfully submitted that this statement identifying at least one error satisfies the requirements set forth in 35 U.S.C. §251. Accordingly, withdrawal of the rejection of claims 1, 3-42, 44-47, and 49-95 under 35 U.S.C. §251 is respectfully requested.

**CONCLUSION**

Each and every point raised in the Office Action dated November 17, 2008 has been addressed on the basis of the foregoing remarks. In view of the foregoing, it is believed that each of the pending claims is in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: January 20, 2009

Respectfully submitted,

By 

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